

STATE OF SOUTH CAROLINA

Sandi Perry v. South Carolina Electric & Gas
Company

BEFORE THE
PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA

COVER SHEET

DOCKET

NUMBER: 2009 - 25 - E

(Please type or print)

Submitted by: K. Chad Burgess

SC Bar Number: 69456

Address: SCANA Corp.
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Columbia, SC 29201

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NOTE: The cover sheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for use by the Public Service Commission of South Carolina for the purpose of docketing and must be filled out completely.

DOCKETING INFORMATION (Check all that apply)

☐ Emergency Relief demanded in petition ☐ Request for item to be placed on Commission's Agenda expeditiously

☐ Other: _____

INDUSTRY (Check one)	NATURE OF ACTION (Check all that apply)			
<input checked="" type="checkbox"/> Electric	<input type="checkbox"/> Affidavit	<input checked="" type="checkbox"/> Letter	<input type="checkbox"/> Request	
<input type="checkbox"/> Electric/Gas	<input type="checkbox"/> Agreement	<input type="checkbox"/> Memorandum	<input type="checkbox"/> Request for Certification	
<input type="checkbox"/> Electric/Telecommunications	<input checked="" type="checkbox"/> Answer	<input type="checkbox"/> Motion	<input type="checkbox"/> Request for Investigation	
<input type="checkbox"/> Electric/Water	<input type="checkbox"/> Appellate Review	<input type="checkbox"/> Objection	<input type="checkbox"/> Resale Agreement	
<input type="checkbox"/> Electric/Water/Telecom.	<input type="checkbox"/> Application	<input type="checkbox"/> Petition	<input type="checkbox"/> Resale Amendment	
<input type="checkbox"/> Electric/Water/Sewer	<input type="checkbox"/> Brief	<input type="checkbox"/> Petition for Reconsideration	<input type="checkbox"/> Reservation Letter	
<input type="checkbox"/> Gas	<input type="checkbox"/> Certificate	<input type="checkbox"/> Petition for Rulemaking	<input type="checkbox"/> Response	
<input type="checkbox"/> Railroad	<input type="checkbox"/> Comments	<input type="checkbox"/> Petition for Rule to Show Cause	<input type="checkbox"/> Response to Discovery	
<input type="checkbox"/> Sewer	<input type="checkbox"/> Complaint	<input type="checkbox"/> Petition to Intervene	<input type="checkbox"/> Return to Petition	
<input type="checkbox"/> Telecommunications	<input type="checkbox"/> Consent Order	<input type="checkbox"/> Petition to Intervene Out of Time	<input type="checkbox"/> Stipulation	
<input type="checkbox"/> Transportation	<input type="checkbox"/> Discovery	<input type="checkbox"/> Prefiled Testimony	<input type="checkbox"/> Subpoena	
<input type="checkbox"/> Water	<input type="checkbox"/> Exhibit	<input type="checkbox"/> Promotion	<input type="checkbox"/> Tariff	
<input type="checkbox"/> Water/Sewer	<input type="checkbox"/> Expedited Consideration	<input type="checkbox"/> Proposed Order	<input type="checkbox"/> Other:	
<input type="checkbox"/> Administrative Matter	<input type="checkbox"/> Interconnection Agreement	<input type="checkbox"/> Protest		
<input type="checkbox"/> Other:	<input type="checkbox"/> Interconnection Amendment	<input type="checkbox"/> Publisher's Affidavit		
	<input type="checkbox"/> Late-Filed Exhibit	<input type="checkbox"/> Report		

K. Chad Burgess
Senior Counsel

chad.burgess@scana.com



February 12, 2009

VIA ELECTRONIC FILING

The Honorable Charles Terreni
Chief Clerk/Administrator
Public Service Commission of South Carolina
101 Executive Center Drive (29210)
Post Office Drawer 11649
Columbia, South Carolina 29211

RE: Sandi Perry v. South Carolina Electric & Gas Company
Docket No. 2009-25-E

Dear Mr. Terreni:

Enclosed for filing is the Answer of South Carolina Electric & Gas Company to the Complaint in the above-captioned matter.

By copy of this letter we are serving a copy of the Answer upon the Complainant/Petitioner Sandi Perry as well as counsel for the South Carolina Office of Regulatory Staff and enclose a certificate of service to that effect.

If you have any questions, please advise.

Very truly yours,

K. Chad Burgess

KCB/kms
Enclosure

cc: Sandi Perry
Shannon Bowyer Hudson, Esquire
(both via U.S. First Class Mail w/enclosures)

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2009-25-E

IN RE:)	
)	
Sandi Perry,)	
)	
Complainant/Petitioner,)	
)	
v.)	ANSWER OF SOUTH CAROLINA
)	ELECTRIC & GAS COMPANY
)	
South Carolina Electric & Gas Company,)	
)	
Defendant/Respondent.)	
_____)	

Pursuant to 26 S.C. Code Ann. Regs. 103-826 and 103-830 (1976, as amended), the South Carolina Rules of Civil Procedure, and in compliance with the Notice issued by the Chief Clerk & Administrator of the Public Service Commission of South Carolina ("Commission") dated January 13, 2009, South Carolina Electric & Gas Company ("SCE&G" or "Company") hereby answers the complaint of Sandi Perry, Complainant/Petitioner, ("Ms. Perry") as follows:

FOR A FIRST DEFENSE

1. SCE&G denies each and every allegation of the complaint except as hereinafter admitted.

FOR A SECOND DEFENSE

2. As to the first unnumbered paragraph, SCE&G denies the allegations and demands strict proof thereof.

3. As for the second unnumbered paragraph, SCE&G admits that electric service was “hooked up on Dec. 26” at 2274 Ashley River Road, Apt. 117, Charleston, South Carolina. As to the remaining allegations of this paragraph, SCE&G is without information sufficient to form a belief as to the truth or falsity of the statements and allegations made in this paragraph and therefore denies same and demands strict proof thereof.

4. As for the third unnumbered paragraph, SCE&G is without information sufficient to form a belief as to the truth or falsity of the statements and allegations made in this paragraph and therefore denies same and demands strict proof thereof.

5. As for the fourth unnumbered paragraph, SCE&G admits that by bill statement dated January 11, 2008, the Company requested payment in the amount of \$46.61 for electric services provided during the billing period December 26, 2007 – January 8, 2008. SCE&G further admits that by bill statement dated February 12, 2008, the Company requested payment in the amount of \$115.59 for electric services provided during the billing period January 8, 2008 – February 8, 2008.

6. As for the fifth unnumbered paragraph, SCE&G denies that Ms. Perry is owed “\$70 on the \$115.59 bill” and demands strict proof thereof. SCE&G admits that by bill statement dated July 15, 2008, the Company requested payment in the amount of \$52.97 for electric services provided during the billing period June 10, 2008 – July 10, 2008. SCE&G further admits that by bill statement dated February 12, 2008, the Company requested payment in the amount of \$115.59 for electric services provided during the billing period January 8, 2008 – February 8, 2008. As to the remaining allegations of this paragraph, SCE&G is without information sufficient to form a belief as to the truth or falsity of the statements and allegations made in this paragraph and therefore denies same and demands strict proof thereof.

7. As to the sixth unnumbered paragraph, SCE&G denies the allegations and demands strict proof thereof.

8. As to the seventh unnumbered paragraph, SCE&G admits that by bill statement dated January 11, 2008, the Company requested payment in the amount of \$46.61 for electric services provided during the billing period December 26, 2007 – January 8, 2008. As to the statement “Again I had no heat”, SCE&G is without information sufficient to form a belief as to the truth or falsity of the statements and allegations made in this paragraph and therefore denies same and demands strict proof thereof. As to the remaining allegations of this paragraph, SCE&G denies same and demands strict proof thereof.

9. As to the eighth unnumbered paragraph, SCE&G admits that Ms. Jacqueline Johnson spoke with Ms. Perry on October 8, 2008, about her electric usage at 2274 Ashley River Road, Apt. 117, Charleston, South Carolina. As to the remaining allegations of this paragraph, SCE&G denies same and demands strict proof thereof.

10. As to the enclosure entitled “SCE&G bill - \$115.59 – Jan 8 to Feb 8”, SCE&G admits that this is page 1 of 2 of Ms. Perry’s bill for electric service.

11. As to the enclosure entitled “SCE&G bill -\$52.97 – Jun 10 to Jul 10”, SCE&G admits that this is page 1 of 2 of Ms. Perry’s bill for electric service.

12. As to the enclosure entitled “Middleton Cove work order – Jan 29, ’07 (Thelma Allen is the Property Manager)”, SCE&G is without information sufficient to form a belief as to the truth or falsity of the statements and allegations made therein and therefore denies same and demands strict proof thereof.

FOR A THIRD DEFENSE

13. The complaint fails to state a cause of action. There is no allegation of any act or thing done or omitted to be done by SCE&G which forms the basis for a complaint cognizable under the law. *See* Rule 12(b), SCRCF, S.C. Code Ann. § 58-27-1940 (Supp. 2008); 26 S.C. Code Ann. Regs. 103-824 (1976, amended).

FOR A FOURTH DEFENSE

14. The Complaint fails to state a claim for which the Commission has jurisdiction and authority, and thus the complaint should be dismissed. *See* Rule 12(b), SCRCF.

FOR A FIFTH DEFENSE

15. Ms. Perry has waived these claims against the Company.

FOR A SIXTH DEFENSE

16. Ms. Perry is estopped from making these claims against the Company.

FOR A SEVENTH DEFENSE

17. Ms. Perry is barred by laches from asserting these claims against the Company.

WHEREFORE, having fully set forth its Answer, SCE&G respectfully requests that the Commission issue an order (i) dismissing the complaint with prejudice and (ii) granting such other and further relief as is just and proper.

[SIGNATURE PAGE FOLLOWS]

Respectfully submitted,

A handwritten signature in black ink, appearing to read "K. Chad Burgess", written over a horizontal line.

Catherine D. Taylor, Esquire
K. Chad Burgess, Esquire
1426 Main Street, MC 130
Columbia, South Carolina 29201
Telephone: 803-217-8141
Facsimile: 803-217-7931
cdtaylor@scana.com
chad.burgess@scana.com

Attorneys for Defendant/Respondent
South Carolina Electric & Gas Company

Columbia, South Carolina
February 12, 2009

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2009-25-E

IN RE:

Sandi Perry,)	
)	
Complainant/Petitioner)	CERTIFICATE
)	OF SERVICE
v.)	
)	
South Carolina Electric & Gas Company)	
)	
Defendant/Respondent.)	
_____)	

This is to certify that I have caused to be served this day one (1) copy of South Carolina Electric & Gas Company's **Answer** via First Class U.S. Mail to the persons named below at the addresses set forth:

Sandi Perry
2274 Ashley River Road
#117
Charleston, SC 29414

Shannon Bowyer Hudson, Esquire
Office of Regulatory Staff
1401 Main Street, Suite 900
Columbia, SC 29201



Karen M. Scruggs

Columbia, South Carolina

This 12th day of February 2009